

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SINA MOGHTADER,

Plaintiff,

V.

**NATIONAL BOARD OF MEDICAL
EXAMINERS,**

Defendant.

CIVIL ACTION NO. SA-17-CA-1216-FB

ORDER TO SHOW CAUSE

Before the Court is the status of the above-styled and numbered cause. Plaintiff initiated this lawsuit with the filing of his original complaint (docket no. 1) on November 27, 2017. Defendant has failed to answer or otherwise appear. The reason for this failure appear appears to be plaintiff's failure to obtain service of the summons and a copy of the complaint upon the defendant. Federal Rule of Civil Procedure 4(c)(1) provides in relevant part: "The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service." FED. R. CIV. P. 4(c)(1) (emphasis added). The time limit for service under Rule 4(m) provides in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But, if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

FED. R. CIV. P. 4(m). More than 90 days have elapsed since the filing of the complaint and there is no indictment plaintiff has served defendant.

IT IS THEREFORE ORDERED that plaintiff shall show good cause, **on or before May 14, 2018**, why the above styled and numbered cause should not be dismissed pursuant to Rule 4(m) and for failure to prosecute. Plaintiff is notified that the failure to timely and properly respond to this Order to Show Cause will result in the dismissal of this case.

It is so ORDERED.

SIGNED this 7th day of May, 2018.



FRED BIERY
UNITED STATES DISTRICT JUDGE